

J. MCLOUGHLIN ENGINEERING CO.

10641 Fulton Court Rancho Cucamonga CA 91730
Tel: 909.944.1037 Fax: 909.944.1051

Melissa Smith
Caltrans
1727 30th Street
Sacramento, CA 95816

04-26-16

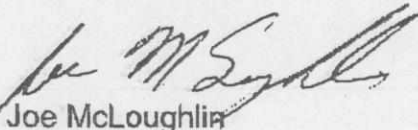
Re: 07-3W0604 Civil Rights Approval

Siong,

It seems that Civil Rights has approved this contract to Velarde Concrete. This approval goes against the rules set in the Special Provision, Standard Specifications and all precedence set by Caltrans in the past.

Please review the five attached pages to educate Civil Rights on the Caltrans bidding process.

As a side note, Contract 07-3W0504 bid on 04-13-16, J. McLoughlin Engineering was the low bidder. We still have not sent in our DVBE commitment. We will get it to you as soon as it convenient.



Joe McLoughlin
President

A

[Home](#) → [Contract Awards and Services](#) → **Contract Awards Status Result**

Award status for 07-3W0604

Bid opening date: 04/07/2016

Processing award for		VELARDE CONCRETE CONSTRUCTION, INC.		
Award recommendation	Requested	04/07/2016	Received	04/19/2016
Civil rights evaluation	Requested	04/20/2016	Received	04/25/2016
Funding certification	Requested	04/11/2016	Received	
	Award date		Approval date	

Error ???

A note on the Caltrans award process:

We have several major milestones we process when preparing a project for award.

- **Bid opening:** This is the event that triggers the award process. Once a bid has opened, we immediately begin looking at the results to process the contract award.
- **Award recommendation:** The district responsible for designing the project will take a look at all the bids submitted and determine whether or not it is in the department's best interest to award the contract, by taking a look at the item prices submitted and the working schedule, if necessary. This can involve calls to the bidders to determine if there were any problems with bids or the contract itself.
- **Civil rights evaluation:** Our Office of Business and Economic Opportunity reviews the UDBE or DVBE submittals on all projects to determine if the project goals have been achieved, or if a good faith effort has been obtained.
- **Funding certification:** Once we have determined a low bidder, we begin an analysis that determines how much of the allocated funding will need to be used to award the contract, and in the case of projects where funding has multiple fund sources, we determine what portion of each allocation will go toward paying for construction.

Once all milestones have been achieved for the bidder we are processing the award for, the contract will be ready to award. We will proceed with the contract award and contract approval. In the event that there is a re-ranking of bidders, both the funding certification and civil rights evaluation will need to be re-processed for the new bidder.

**VELARDE CONCRETE
CONSTRUCTION, INC.**

(B)

April 13, 2016

04-13-16P04:08 RCVD

Attn: Melissa Smith
Department of Transportation
1727 30th Street
Sacramento, CA 95816

RE: 07-3W0604

On Thursday April 7th we submitted a bid for contract no. 07-3W0604 and were the low bidders. I sent our DVBE Summary on Monday, April 11th and your department received it on Tuesday morning April 12th.

???

In reviewing the online files today I noticed that the Bid Summary results show a 5% DVBE Goal for this project. The advertisement for this project on the Office Engineer stated 3% DVBE Goal which is the required goal for a contract with an Engineer's estimate over 1 million dollars. This project has an Engineer's Estimate for \$1,180,000.00 our bid was \$1,091,482.56 our total claimed participation is \$41,585.21 (3.8% of our bid). We based and submitted our DVBE participation on the project advertisement of 3% DVBE Goal.

Immediately after noticing the discrepancy between the Special Provisions and the project advertisement I called your office to find out what the correct DVBE percentage is and to ask to resubmit our forms if the 5% is indeed required. We at Velarde Concrete are requesting that our bid be accepted as the lowest responsive bid as submitted since Caltrans advertised conflicting information. An update DVBE Summary reflecting 5.2% is attached.

Sincerely,



Maria Velarde

[Home](#) » [Construction Contract Awards](#) » [Project Bucket](#)

(C)

Project Bucket Result for 07-3W0604

[Search again](#)

CONTRACT ADVERTISEMENT

[07-3W0604](#) | [List of Bid Items](#) | [Bid Summaries](#) | [Post-bid File](#) | [Award Status](#) | [o bidder inquiries](#) | [Contract Plans and Special Provisions](#)

Bridge Repairs And Maintenance

07-LA-101, 118, 170, 405-Var * Date Advertised 03/14/2016

Bids Opening in Sacramento * Bids Open 04/07/2016

Date Awarded 00/00/0000

Estimate: \$1,180,000

In Los Angeles County At Various Locations

The Contractor must have either a Class A license or any combination of the following Class C licenses which constitutes a majority of the work: C-8, C-32

120 Working Days * 5% DVBE Requirement

Subs/Suppliers: [Opt In](#) | [4 prime contractors looking for help](#) | Primes: [Advertise for help](#) | [See 12 opt-in records](#)

[See Non-Bidding Planholders](#) | [See Bidding Planholders](#)

(D)

CONTRACT SPECIAL PROVIDER
NOTICE TO BIDDERS

Bids open Thursday, April 7, 2016

Dated March 14, 2016

General work description: Bridge Repairs and Maintenance

The Department will receive sealed bids for CONSTRUCTION ON STATE HIGHWAY IN LOS ANGELES COUNTY AT VARIOUS LOCATIONS.

District-County-Route-Post Mile: 07-LA-101, 118, 170, 405-Var

Contract No. 07-3W0604

The Contractor must have either a Class A license or any combination of the following Class C licenses which constitutes a majority of the work: C-8, C-32.

7 The DVBE Contract goal is 5 percent.

Bids must be on a unit price basis.

Complete the work within 120 working days.

The estimated cost of the project is \$1,180,000.

The Department will receive bids until 2:00 p.m. on the bid open date via Bid Express web site. Bids received after this time will not be accepted. For more information refer to the Electronic Bidding Guide at the Bidders' Exchange web site.

The Department will open and publicly read the bids at 1727 30th Street, Bidders' Exchange, MS 26, Sacramento, CA 95816 immediately after the specified closing time.

District office addresses are provided in the *Standard Specifications*.

Present bidders' inquiries to the Department and view the Department's responses at:

http://www.dot.ca.gov/hq/esc/oe/inquiry/bid_inquiries.php

Questions about alleged patent ambiguity of the plans, specifications, or estimate must be asked before bid opening. After bid opening, the Department does not consider these questions as bid protests.

Submit your bid with bidder's security equal to at least 10 percent of the bid.

Under Govt Code § 14835 et seq. and 2 CA Code of Regs § 1896 et seq., the Department gives preference to certified small businesses and non-small businesses who commit to 25 percent certified small business participation.

Under Pub Cont Code § 6107, the Department gives preference to a "California company," as defined, for bid comparison purposes over a nonresident contractor from any state that gives or requires a preference to be given to contractors from that state on its public entity construction contracts.

Prevailing wages are required on this Contract. The Director of the California Department of Industrial Relations determines the general prevailing wage rates. Obtain the wage rates at the DIR Web site, <http://www.dir.ca.gov>, or from the Department's Labor Compliance Office of the district in which the work is located.

SECTION 2

BIDDING

E

8. Any additional data to support demonstration of good faith efforts.

The Department may consider UDBE commitments of the 2nd and 3rd bidders in determining whether the low bidder made good faith efforts to meet the UDBE goal.

2-1.13-2-1.14 RESERVED**2-1.15 DISABLED VETERAN BUSINESS ENTERPRISES****2-1.15A General**

Section 2-1.15 applies to a non-federal-aid contract.

Take necessary and reasonable steps to ensure that DVBEs have opportunity to participate in the Contract.

Comply with Mil & Vet Code § 999 et seq.

2-1.15B Projects \$5 Million or Less

Section 2-1.15B applies to a project with an estimated cost of \$5 million or less.

Make work available to DVBEs and select work parts consistent with available DVBE subcontractors and suppliers.

A Meet the goal shown on the *Notice to Bidders*.

7 Complete and submit the *Certified DVBE Summary* form. List all DVBE participation on this form. For an informal-bid contract, submit the form with your bid. For a non-informal-bid contract, you may submit the form with your bid; if you do not, submit it such that it is received at the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening. If a DVBE joint venture is used, submit the joint venture agreement with the *Certified DVBE Summary* form.

List each 1st-tier DVBE subcontractor in the *Subcontractor List* form regardless of percentage of the total bid.

2-1.15C Projects More Than \$5 Million**2-1.15C(1) General**

Section 2-1.15C applies to a project with an estimated cost of more than \$5 million

The Department encourages bidders to obtain DVBE participation to ensure the Department achieves its State-mandated overall DVBE goal.

If you obtain DVBE participation:

1. Complete and submit the *Certified DVBE Summary* form. List all DVBE participation on this form.
2. List each 1st tier DVBE subcontractor in the *Subcontractor List* form regardless of percentage of the total bid.

2-1.15C(2) DVBE Incentive

The Department grants a DVBE incentive to each bidder who achieves a DVBE participation of 1 percent or greater (Mil & Vet Code 999.5 and Code of Regs § 1896.98 et seq.).

To receive this incentive, submit the *Certified DVBE Summary* form. For an informal-bid contract, submit the form with your bid. For a non-informal-bid contract, you may submit the form with your bid; if you do not and you are the low bidder or the 2nd or 3rd low bidder, submit it such that it is received at the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening. If a DVBE joint venture is used, submit the joint venture agreement with the *Certified DVBE Summary* form. Other bidders may be required to submit this form if bid ranking changes.

2-1.15C(3) Incentive Evaluation

The Department applies the small business and non-small business preference during bid verification and proceeds with the evaluation specified below for DVBE Incentive.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov

Serious Drought.
Help save water!

April 25, 2016

Facsimile: (909) 944-3112

Joe McLoughlin, President
J. McLoughlin Engineering Co., Inc.
10641 Fulton Court
Rancho Cucamonga, CA 91730

07-3W0504
07-LA-1, 47, 91, 110, 405, 710-Various
B.O. 03/14/16

04-13-16

Dear Mr. McLoughlin:

The Department of Transportation (Caltrans) received a bid submitted by J. McLoughlin Engineering Co., Inc. (McLoughlin) for Contract number 07-3W0504 on March 14, 2016. By this letter, Caltrans notifies McLoughlin that its bid is nonresponsive since McLoughlin did not comply with the Contracts Revised Standard Specification Section 2-1.33D (3) (b) Contracts with a DVBE Goal, which states in part:

"Certified DVBE Summary Deadline: No later than 4:00 pm on the 4th business day after bid opening."

McLoughlin failed to submit the Certified DVBE Summary form by 4:00 p.m., on the 4th business day after bid opening.

Based on the above, Caltrans will proceed to award this contract to the lowest responsive bidder, provided that all requirements have been met.

Your attention is directed to Section 3-1.04 of the 2010 Revised Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

JILL Y. SEWELL

Office Chief

Office Engineer, Construction Contract Awards
Division of Engineering Services